BOMBAY GAZETTE.

PUBLISHED THRICE A WEEK, ON EVERY MONDAY, WEDNESDAY, AND FRIDAY, MORNING.

PRICE 13 RUPEES PER QUARTER:—52 RUPEES PER ANNUM:—OR, IF PAID IN ADVANCE, 48 RUPEES PER ANNUM.

"Nothing extenuate, nor set down aught in Malice."

Vol. LI. BOMBAY: WEDNESDAY, AUGUST 12, 1840. 3,197.

BOMBAY GAZETTE OVERLAND DISPATCH.

WHICH will contain a Precis of Indian Intelligence for the past Month.

The Public and Subscribers of the Gazette are informed that an Overland Monthly Dispatch, will be published at this Office for the present and every succeeding Mail.—To Subscribers of the Gazette, *Gratis*.—Non Subscribers one Rupee per Copy and to Subscribers for the above alone Rs. 10 per Annum.

The Outstation Subscribers to the *Bombay Gazette* are hereby informed that if they will favor the Editor with the names of the Parties in England to whom they wish their Overland Gazette to be sent, they will be forwarded punctually through the Post Office here by each Steamer.

Agent in England, Mr. Richardson, Cornhill.

Bombay Gazette Office, No. 5, Forbes Street.

MARRYAT'S CODE OF SIGNALS, Sixth Edition, of the 1st, 2nd, and 3rd Parts, with the Supplement, to the above, and also the Honorable Company's Steamers and Ships of War, corrected and enlarged with considerable alterations and additions.—Price 2 Rupees per Copy.—Apply at this Office.

NOTICE.

THE SUBSCRIBERS of the BOMBAY GAZETTE are respectfully requested to take notice that the New Proprietorship commenced from the 1st of June 1840, and that all accounts &c. with the present concern will commence from that date.

NOTICE.

THE SUBSCRIBERS to the GAZETTE are requested that whenever a change of residence or Station may take place, they will be pleased to give information of the same, in order, to prevent mistakes in forwarding their Newspaper.

COPPER PLATE PRINTING.

THE LADIES and GENTLEMEN of the Presidency and the Public in general are hereby informed, that VISITING and INVITATION CARDS will be neatly executed and on reasonable terms at this Office.

All orders for the above will be carefully attended to.

Bombay Gazette Office, August 12, 1840.

TO THE ARMY.

THE Report of the Commissioners for Inquiring into Naval and Military Promotion and Retirement, will be reprinted by Subscription as a Pamphlet and sold at Rs. 2 per Copy at this Office.

To insure a sale Gentlemen who may wish to have a Copy are requested to make an early application.

Bombay Gazette Office, August 12, 1840.

FOR SALE.

TWO WOODEN PRINTING PRESSES, and old files of Newspapers.—Apply at this Office.

FOR SALE, at the Gazette Office;

Respondentia Bonds, each..	Rs.	1
Ship's Articles.....	,,	1
Policies of Insurance.....	,,	1
Bills of Exchange, per set....	Ans.	8
Interest Bonds.....	,,	8
Bills of Lading.....	,,	8
Powers of Attorney, each.....	,,	8

Bombay, 12th August 1840.

FOR LIVERPOOL.—The fine A. I. Ship "LEONARD DOBBIN," of 610 Tons, Captain CARPENTER, has great part of her Cargo engaged and will meet with quick dispatch. For freight or Passage apply to Messrs. McGREGOR, BROWNRIGG AND Co.

Bombay, 12th August 1840.

FOR MADRAS AND CALCUTTA.—The Brig "SIR WILLIAM WALLACE," of 230 Tons, Captain CHARLES EDWARDS, will have immediate dispatch. For Freight or passage apply to

THO. JEFFERIES AND Co.

Bombay, 12th August 1840.

ADVERTISEMENT.

MANY applications having been made to the EDITOR of this Journal, and promises of assistance given to get up a *Sporting Magazine*. It is hereby announced that if a sufficient Number of Subscribers send in their names to repay the outlay, a BOMBAY SPORTING MAGAZINE will appear in October, and be repeated *Quarterly*. The price to Subscribers will be 12 Rupees a year single numbers 4 Rupees, communications will be thankfully received.

SUPREME COURT.—Application having been made to the Supreme Court of Judicature at Bombay, that letters of administration (with the last will and testament and codicil thereunder written annexed,) of all and singular the Goods and Chattles right and Credits of NAZIR JACOB SHAMIER, late of Madras Armenian Merchant and Inhabitant deceased, within the Jurisdiction of the said Court may be granted to STEPHEN LAZAR of Bombay Armenian Merchant and inhabitant, and THAMAR LAZAR his wife the Son-in-law and Daughter of the said NAZIR JACOB SHAMIER, all persons concerned therein are hereby apprized thereof.—Dated at Bombay this 10th day of August 1840.

G. WILLIAMS LEECH,
Petitioner's Proctor.

SUPREME COURT.—Application having been made to the Supreme Court of Judicature at Bombay, that letters of administration (with the last will and testament annexed) of the Estate and Effects rights and credits of THOMAS LEWIS late of Bombay British inhabitant deceased, may be granted to JOHN MILNE of Bombay Esquire British Merchant and Inhabitant limited to an authority for the said JOHN MILNE to transfer to his own name one share in the Bank of Bombay at present standing in the name of the said THOMAS LEWIS, all persons concerned therein are hereby apprized thereof.—Dated at Bombay this 10th day of August 1840.

G. WILLIAMS LEECH.
Petitioner's Proctor.

EXTENSIVE SALE OF PIECE GOODS.

ON Saturday the 15th Instant, (*altered from Wednesday the 12th being Cocoanut day,*) Messrs ROBERT FRITH AND Co. will submit for Public Sale, at their Rooms, commencing at 11 A. M. a great variety of valuable Piece Goods, but very little damaged; they consist of Grey Long Cloths, Madapollams, Domestics. Also a quantity of Cotton Twist of different Nos. and Invoice of Plain Damask Table covers, colored and plain Doolies and a variety of other property,

At 3 o'clock P. M. will be sold on the Custom house Bunder 1 whole and 1 broken Anchor.

Nesbit Lane, 12th August 1840.

THE undersigned have from this date commenced business at Bushire, as Merchants and General Agents, under the style and firm of CONSTANTINE AND Co.

S. A. CONSTANTINE.
C. A. CONSTANTINE.

BUSHIRE, 1*st July* 1840.

NOTICE.

FOR SALE.—At this Office, THE CALENDAR AND DIRECTORY for the present year, with the ARMY, CIVIL, AND INDIAN NAVY LISTS, EUROPEAN INHABITANTS, corrected to the latest possible date, and the list of H. H. the NIZAM'S ARMY,—It likewise contains regulations relating to the three services and to the Mercantile Community, with a variety of useful Tables and other matter, printed on English Paper in new Types. As only a limited number of copies is struck off, gentlemen desirous of having the CALENDAR and DIRECTORY are requested to make early applications.

Bombay Gazette Office, 12th August 1840

COMMERCIAL.

Bombay Price Current & Mercantile Register.

Saturday, August 8th, 1840.

Very favourable advices continue to be received from different parts of the Country as to the prospects of the ensuing crop, rain, having fallen in most places abundantly.

COUNTRY PRODUCE.

COTTON.—We have no recent purchases to notice of any magnitude, but extensive Shipments are in progress to Singapore and Manilla intended for the China Market.

OPIUM.—Passes granted at Indore to the 10th June last.....chests 1801

IMPORTED.

Balance of last years produce.....	6667
From 25th May to 4th Instant.....	1588½
	8255½

EXPORTED.

From 22nd May to 28th July.....	2456½
Stock on hand.....	5799

COFFEE.—There have been large arrivals lately, but prices have not yet declined very materially.

EUROPE GOODS.

METALS.—The sales are to a small extent, all that appears on our Returns being.

IRON (*English*).—153 Tons sold.....at Rs. 37 12 0 per Cdy.

LED RED.— 200 Cwt. ,, 18 0 0 per cwt.

PIECE GOODS.—The near approach of Cocoanut Day has had the usual effect of extensive transactions being done in this article during the week.—The following are the particulars which our Returns exhibit.

				Rs.	A.	P.
300	Pieces	Furniture Chints....	per Piece	8	0	0
1750	,,	Victoria Sprigs.....	do.	3	3	0
1400	,,	Mull Mulls.....	do.	4	12	0
200	,,	Do. do.....	do.	3	5	0
100	,,	Do. do.....	do.	4	8	0
100	,,	Do. do.....	do.	6	1	0
600	,,	Do. Lappets.....	do.	2	8	0
400	,,	Book Muslin.....	do.	3	2	0
400	,,	Grey Madapollams 24 yds. 34 Inch.....	do.	3	2	0
200	,,	Do.....do.....	do.	3	8	0
800	,,	Do.....do.....25 yds. 40 Inches.....	do.	3	6	0
800	,,	Do.....do.....25 yds. 48 inches.....	do.	5	4	0
1200	,,	Do.....do.....	do,	3	2	6
2000	,,	Do. Long Cloth 39 yds. 36 inches....	do.	6	11	0
300	,,	Do. Shirting.....	do.	5	12	0
500	Pair	Do. Dhoties.....	per Pair	3	0	0
400	,,	White.....	do.	3	4	0
200	Pieces	Do. Long Cloths 40 yds. 36 inches....	per Piece	6	5	0
150	,,	Do.....do.....	do.	7	3	0
200	,,	Do.....do.....	do.	7	14	0
1000	,,	Bleached do.....	do.	6	7	0
50	,,	Do.....do.....	do.	6	12	0
1000	,,	Do...Jacconets.....	do.	2	12	0
500	,,	Zebras.....	do.	2	1	0
1000	,,	Do.....	do.	3	11	0
1050	,,	Do.....	do.	4	0	0
1050	,,	Do.....	do.	3	8	0
150	,,	Do.....	do.	2	12	0
7	Cases	Do.....	do.	4	0	0
300	Pieces	Grey Long Cloths 40 yds.....	do.	7	4	0
100	,,	Turkey Red Twills 12 yds. 60 inches....	do.	7	8	0
240	,,	Do.....do.....	do.	12	8	0
180	,,	Do. Plain 28 yds. 27 inches.....	do.	11	2	0
1500	,,	Ginghams.....	do.	2	10	0
100	,,	Prints.....	do.	6	6	0
900	,,	White Mulls.....	do.	4	4	0
100	,,	Do. Spotted Cambrics	do.	3	15	0

TWIST WATER.—2460 lbs. No. 18 to 24 have been sold @ Rs. 0 8 0 ℔ lb.

THE MONEY MARKET.

COMPANY'S PAPER.—Sales of the 4 ℔ cent Loan of 1832 | 33 have had effect during the week @ Rs. 101½ and of Ditto 1835 | 36 @ Rs. 98½.

BILLS ON LONDON.—No transactions to particularize but the rate may be quoted @ 2*s* | 0*d* @ 2*s* | 0¼*d* ℔ Rupee @ 6 months sight.

BANK SHARES.—Nominal—There have been no recent transactions.

FREIGHTS.

To LONDON.....	£ 4 5 0	Shipments limited.
To LIVERPOOL..	,, 4 9 0	
To CLYDE.....	,, 3 10 0	
To MACAO & MANILLA....	Rs. 18 ℔	Candy.
To SINGAPORE.....	,, 10 ℔	ditto.

WEEKLY STATEMENT OF THE CHIEF ARTICLES OF EXPORTS FROM BOMBAY BY SEA.

FROM THE 31ST JULY TO THE 7TH AUGUST 1840.

TO MALABAR COAST AND CALCUTTA.

Per Ship Futtay Rahimon.

For Malabar.

	cwt.	qrs.	lbs.
Azmaseed bgs.	16	10	0
Benjamin csks.	5	4	3
Brass bgs. 6 / Do. pcs. 11	15	0	0
Brass wire bl	1	0	0
Brass leaves bxs.	2	0	0
Cotton yarn bls.	28	0	0
Copper old bdls.	61	98	2
Do. slabs.	357	50	1
Cloves surcas	4	3	3
Cumminseed bgs.	5	14	0
Camphor clsts.	2	1	2
Gowla seeds bdl.	1	0	3
Hurtal chst.	1	1	1
Indigo bdl.	1	1	0
Kettesauls clsts.			6
Kismiss pkg.	1	1	3
Lead red kgs.	2	4	0
Munjeet pkgs.	6	17	2
Mustard bgs.	21	31	0
Mathey seeds bgs.	16	24	0
Mace bl.	1	0	0
Nutmegs csk.	1	0	0
Do. bdl.	1	0	0
Onions bgs.	20	25	0
Oilman's store chsts.			7
Piece goods & Sundries pkgs.			33
		Pcs.	687
Do. do. bls.	3 do.		120
Piece goods Eur. bls 22 & chsts. 2	1212 pcs.		
Do. do. do. cold. chsts. 2	184 pcs.		
Paper china	do.		5
Saltpetre bgs.	10	15	cwt.
Sugar chst.	1	1¼	do.
Do. bgs.	59	75	do.
Steel tubs	2	2	do.
Spelter slabs	183	50½	do.
Do. b'ls.	4	6	do.
Tea pkg.	1	120	lbs.
Tea chsts.			2
Treasure bdls.	7	17500	Rs.
Do. gold do.	1	200	tollas
Umbrella chst.			1
Do. bdl.	1	1	dzn.
Wheat bgs.	120	30	candies

For Calcutta.

	cwt.	qrs.	lbs.
Cumminseed bgs.	36	96	2
Piece goods chsts.	2	49	pcs
Do. sattin do.	3	75	do.
Do. handkerchiefs chsts.	1	34	do.
Ruscamphor csks.	13	191	lb.
Treasure bdls.	8	20,000	Rs.
Tea chsts.			25
Vermillion do.	10	900	bdls
Work bxs. & sundries do.	1		

Original Cargo.

Ackulkora pkgs.			2
Coffee jmbls. 350 &pkgs.	103		
Kismiss pkgs.			2
Paper chst.			1
Soorma(Antimoni pkgs.	12)		
Salt Loose a quantity.			

TO CALCUTTA.

Per Ship Earl of Durham.

Salt rashes	8	8960	l. mds.

TO CALCUTTA.

Per Ship Euphrates.

Almonds cpps.	41	110	cwt.
Beer hhds.		1	12
Iron hoops & staves bdls.		405	
Pickles kgs.			2
Salt In. mds.			3360

TO CLYDE.

Per Ship British King.

	cwt.	qrs.	lbs.
Cotton bls. 3471 / Do. hlf. do. 80	12223	3	2
Curiosities bx.			1
Horns pcs.	5	14	7
Hides do.			3

	cwt.	qrs.	lbs.
Linseed bgs.	362	90	1
Wool bls.	12	43	0

TO CALCUTTA.

Per Ship Fazel Currim.

	cwt.	qrs.	lbs.
Almonds pkgs.	61	179	1
Antimoni do	41	36	0
Cardamoms chsts.	11	18	2
Capoorcatcherry pkgs. 11	15	2	0
Cloves soorcas	200	114	0
Copra pkgs.	400	680	0
Cochineal do 1 / & csks. 4	0	0	723

	cwt.	qrs.	lbs
Kismiss pkgs.	8	28	2
Ruscamphor do.	1	0	3
Saffron bx.	1	0	0
Sandalwood pkgs.			17
	8	0	0
Treasure do.	6	14000	Rs.
Vermillion chests.	7	630	
			bdls.

Original Cargo.

Aloes pkgs.			20
Coffee nuugs 161 & jmbls.			100
Kismiss nngs 2 pkgs.			6 & do. 22
Senna leaves nngs			8f
Salt			loose
Salt jmbls.	loose		100
Soorma pkgs.			5
Sellarus jrs.			10

TO CHINA.

Per Ship Thetis.

Arrack csk.		1	95 gllns.
Beer css.	23	108	dzn.

Original Cargo.

	cwt.	qrs.	lbs
Cotton bls. 2008 / Do. hlf. do. 22	7158	2	22
Cornelian chsts.			7
Fish-maws bls. 5 / & bdls. 752	221	2	17
Horns Unicorn bdls. 101	61	2	1
Preserved provision csks.			2
Pearls sooras 26 vls.			lbs.
			48574
Sandalwood bdls.			
Do. pcs. 1475	1		3
Shark-fins bdls. 32 / 492 Do. bls. 69	524		

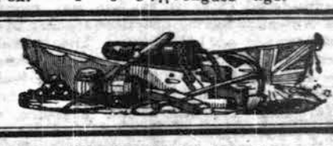
TO CHINA.

Per Ship Hindoostan.

	cwt.	qrs.	lbs.
Claret bxs. 200	201	dzns.	
Cotton bls. / 2927 Do.	1075	1	1
hlf. do. 79			26
Preserved Provision trcs.			3
			& bxs. 40
Sandalwood pcs.	923	105	
			cwt.
Shark-fins & Fish-maws bdls. 295	273	3	0
Sherrp css. 16	6		dzns.

Ship Stores.

Bomboloes bdls.	1
Books bx.	1
Barley canister	30
Biscuits cs.	1
Curry stuff do.	1
Cheeses	50
Hams pcs	100
Herrings ferkins	200
Do. trcs.	200
Mangoes pickles kgs.	1
	cwt.
Meat csks.	
Oysters bxs.	
Salad oil cs.	
Tongues kgs.	20



Marine Department.

NOTIFICATION.

The Hon'ble the Governor in Council is pleased to announce, that a Steamer appointed to convey the Mail of September next to the Red Sea. will be despatched on Friday the 28th of August.

By order of the Hon'ble the Governor in Council,
E. M. WOOD, Lieut. Col. *Secy. to Govt.*
Bombay Castle, 15th July 1840.

Shipping Arrivals and Departures.

ARRIVED.—August 10th, Ship Northumberland, R. D. Guthrie, Master, from London 12th April. *Passengers.*—Mrs. Swanson and Child and a Native Ayah, Capt. Rollings, Capt, Lloyd and Capt. Moubray, In charge of Troops, Mr. Henderson Civil Service, Mr. Clarke Asst. Surgeon, Messrs. Liddel and McGregor Cadets, 180 Troops.

Do. do. The E. I. C. Steamer Cleopatra, Lieut. F. P. Webb, Comg., from Muscat 5th Instant. *Passengers.*—Capt. Hennell, Dr. Pinkerton, Mr. and Mrs. Charming and Child, 1 Apothecary, 2 European Seamen and 4 Servants.

Do. 11th, Ship Good Success, H. Fraser, Master, from China. *Passengers.*—C. F. Bradford Esq. Merchant.

Do. 11th, Barque Clarendon, J. B. Grant, Masters, from Leith, 9th April.

SAILED.—August 8th, Ship Hindoostan, John Campbell, Master, to China and Manilla.

Do. 9th, Ship Futhel Currim, Hajee Ebrahim, Nacodah to Calcutta. *Passengers.*—20 Natives.

Shipping in the Harbour.

E. I. C. VESSELS.	E. I. C. STEAMERS.
Receiving Ship Hastings.	Victoria.
SCHOONERS.	Berenice.
Shannon and Mahi.	Ceylon Govt. Steamer
CUTTERS.	Seaforth.
Margaret and Nurbudda.	Cleopatra.

Merchant Vessels.

ENGLISH.

Mahamudy.	Calcutta,
Adele.	Carnatic,
Sir John Herschel.	John,
Julia,	Westmoreland,
Crown,	Cumbrian.
Queen Victoria,	Monarch,
Wilson,	John Campbell.
Ann,	Leonard Dobbin.
Colchester,	Northumberland.
Majestic,	Clarendon.
Lord Auckland,	

COUNTRY.

Benares,	Sir Wm. Wallace,
Fort William.	Castle Huntly,
Chuderbux.	Drongan,
Doulut Savoy,	Soobrow.
Lady Grant.	Colonel Newal.
Pittamber Savoy.	Aliet Rahiman.
Earl of Clare.	Caledonia,
Helen.	John Wm. Dare,
Caroline,	Essavie
Charles Forbes,	Good Success.
PORTUGUESE.	FRENCH.
Brig Simplicia.	Barque Naverino.
DUTCH.	
Barque Hannah.	

Time of High Water.

August 1840.	Morn. H. M.	Aft. H. M.
12th Wednesday	10 35	10 54
13th Thursday	14 15	11 35

Latest advices Received.

From *London*..... 4th June.
" *Paris*..... 6th Do.

Diary of the Week.

Aug. 12—Wednesday.
13—Thursday.—{ Queen Adelaide born, 1792—Full Moon.—Pitt's India Bill passed, 1784.
14—Friday.
15—Saturday.
16—Sunday.—9th Sunday after Trinity.
17—Monday.
18—Tuesday.

RATES OF BOMBAY GOVT. STOCK, 8th August 1840.

	Buy	Sell
4 per Cent—1835	36. at 98-4	to 98-8
4 per Cent—1832	33. at 104	to 104¼

Military Arrivals and Departures.

Arrivals.

Aug. 3rd.—Capt. G. Stirling, 2d or Queens, from Deesa.
do. 10th. Capt. Hennell, 12th Regt., from Karrack.
do, do. Capt. W. Rollings 2d Grs., from England.
do. do. Ensign R. Riddell, Infy., from England.
do. do. Asst. Surgeon Thos. Clark, from ditto.
do. do. Cornet E. M. MacGregor, Cavy., from England.

Departures.

Augt. 8th.—Capt. Benbow, 15th Regt., to Poonah.
do. 12th. Major Cathcart, 10th Regt., to ditto.

The Sportsman.

Kirkee Races.

The second Monsoon Meeting took place yesterday, and from the favorable state of the weather the course was attended by the greater portion of the fashionables usually found here at this season. The Bill of fare was as follows :

Hurdle Race, Sweepstakes of 2 Gold Mohurs R. C. over four hurdles, 3 feet high 11 Stone, Gentlemen Riders, the winner to be sold for Rupees 800, if claimed. 3 Horses to start or no race.

Captain Parlby's W. A. H. Monarch Mr. Kirwan 1
Mr. Howard's G. A. H. Little Rover Mr. Coles 2
Mr. Ashton's G. A. H. Jack Sheppard Mr. [Francis dis.

All off at a racing pace, Jack Sheppard leading, followed closely by *our gallant old Monarch* and little Rover, Jack rushed at the first hurdle, struck it and fell, giving his Rider a pretty considerable nasty tumble, the Monarch, having got out of such bad Company, took the lead and kept it, although Little Rover did all in his power to win. We are happy to state that Jack's rider received no serious injury, tho' he was *hors de combat* for the remainder of the day.

Hack Race, Sweepstakes of 2 Gold Mohurs each, Heats R. C. 10st. 7lb. Gentlemen Riders. The winner to be sold for Rupees 800 if claimed within half an hour.

Captain Harrison's B. A. H. Somerset Mr. Drysdale 11
Mr. Bishton's C. R. M. Warwickshire Lass 10st 4lb. Mr. Sullivan 2 2
Mr. Kemp's B. A. H. Aggravator, Mr. Coles 3 dr.
Mr. Fenning's G. A. H. Moonraker, Mr. Hodson 4dr.

Both heats won easy by Somerset. he having been considered throughout "safe to win."

Sweepstakes ¼ mile heats.

Mr. Cureton's, C. A. H. Galopade, Mr. Gell 2-1-1
Mr. Parker's B. A. H Catch-me-if-you-can, owner 1-2 2
Mr. Fenwick,..... Stratagem,

Match for Rupees 500, mile heats. Gentlemen Riders 9st. 7lb.

Mr. Francis' C. A. H. Rienzi, Mr. Hodson 2
Mr. Gell's C. A. H. Glaucus. Owner 1

There was some mistake in Glaucus' rider having carried 3lbs extra without declaring it, consequently the race was claimed for Rienzi—still there are some doubts, whether the extra weight was not sufficiently declared, by the rider being publicly weighed, as yet the match is undecided, but we hope it will be left to the keen judgment of the zealous Secretrary (Mr. Kemp) whose decision should be final.

Poonah, August 9th

AN OLD STAGER.

MACAO SPRING MEETING, 1840.

First day. Wednesday, 13th May.

1st Race.—Sweepstakes of Drs 5 each for all ponies Catch weights. *Heats* Abingdon mile

2nd Race.—Sweepstakes of Drs 3 each for all ponies 12h 2in and under. Catch weights R. C.

Second day, Friday, 15th May.

1st Race.—Sweepstakes of Drs 5 for all ponies 12h 2 in and under. Catch weights. *Heats* Abingdon mile.

2nd Race.—Sweepstakes of Drs 3 each for all ponies Catch weights. R. C.

Nominations at the time of starting.

Gentlemen will please be on the ground and have every thing in readiness for starting at half past five P. M.

Sam Day,
Secretary.

Several private matches will come off on Saturday evening.

CORRESPONDENCE.

To the Editor of the Bombay Gazette.

Dear Mr. Editor,—I know not whether the accompanying brief sketch or rather abridgement, of the manner in which trade was carried on with India from the earliest ages, will be either amusing or instructive, but at all events it is very much at your service.

Yours truly,
A FRIEND.

EARLY COMMERCIAL INTERCOURSE WITH INDIA.

From time immemorial remote nations, as well as those contiguous to India, seem to have valued its commodities so highly, that in order to procure them, they undertook fatiguing, expensive, and dangerous voyages. And this anxiety to open a Commerce with India, seems to have arisen as much from the superiority of its inhabitants, (who had made greater progress in civilization and the elegancies of life, than any other nation) as in the valuable natural productions of the country. The *Egyptians* are said to have first opened a trade with the Western Coast of India; the commodities there procured were carried by land from the Arabian Gulf to the Nile, and from thence conveyed to the Mediterranean. But notoriously averse to a seafaring life, they speedily overlooked the importance of their traffic with India, and the Phœnicians succeeded them in their commercial intercourse with this country. By wresting some harbours at the bottom of the Arabian Gulf from the Idumeans, and taking possession of the port of Rhinocolura, the nearest in the Mediterranean to the Arabian Gulf, they were enabled to carry on a most extensive trade. In the year B. C. 330, Alexander the Great whose gigantic genius, speedily foresaw the advantages accruing to a nation from commerce, deprived the Phœnicians of Tyre of their vast monopoly, and building *Alexandria* near one of the mouths of the Nile, determined that the city he honoured with his name, should be the Emporium of Commerce, and command the traffic both of the East and West. Upon the death of Alexander, and division of his Empire, Egypt under the Ptolemiés entirely monopolized the trade to the East by Sea. In order to secure permanently the advantages arising from this trade, Ptolemy Philadelphus about 278 B. C. built the City of *Berenice*, on the West Coast of the Red Sea; from *Berenice*, the goods were transported by land to *Coptas*, which communicated with the Nile by a navigable Canal, and from thence to *Alexandria*. The ships from *Berenice* sailed along the shore to Syagrus (now Cape Rasalgate) and held their course along the coast of Persia to Patala, now *Tatta* on the Delta of the Indus. The Persians, had for some time back carried on a commercial intercourse with India by land, by way of *Bactria* and the Caspian provinces, but owing to their aversion to maratime affairs, had left the Egyptians, (who for the same reasons had some centuries before neglected the trade) sole Masters of the traffic by Sea.

When Rome became the capital of the world, the wealth and valuable productions of the provinces naturally flowed thither. In her taste for luxury, the commodities of the East soon became in requisition, and contented with merely regulating the industry of mankind, and enjoying the fruits of their joint efforts, she pushed on the trade with India through *Egypt with vigour*. About eighty years after the annexation of Egypt to the Roman Empire, *Hippalus*, a Greek, Commanding an Indian trader taking advantage of the Western Monsoon, stretched boldly along from Outis (now *Galla*,) on the Arabian Gulf, to *Musiris*, (now Meerjas) *on the Malabar Coast* and *Barygaza*, (now *Broach*) in the Gulf of Cambay. This appears to have been the utmost limits of ancient navigation, and Musiris and Baryagaza soon became the Emporium of Commerce between the East and West The fleets which traded here, were laden with rich commodities brought from farther India and its islands, by the Indians themselves in Canoes. The principal articles of Commerce at this time were spices, precious stones, silks, stuffs, and piece goods, and it appears almost incredible to relate that the Commerce with India annually drained the Roman Empire of about 400,000 £ sterling, and that one hundred and twenty ships sailed every year to that country from the Arabian Gulf. The inroads of the barbarians soon occasioned the total wreck of the arts, sciences, and trade of the Romans. The dominions of the Empire were parcelled out amongst them, and Constantinople alone escaped their rage, retained the trade with India, and imported its commodities from Alexandria. When Egypt was torn from the Roman Empire, the enterprising Greeks discovered a new channel by which the productions of the East might be conveyed to Constantinople. They were carried up the Indus, thence transported by land to the banks of the Oxus, or Jehun, and taken down its stream to the *Caspian Sea* where they entered the Volga, and sailing up that river, were carried by land to the *Tanais*, or the Don which conducted them to the Euxine, where vessels from Constantinople awaited them.

By degrees Europe began to arouse herself from her torpor, and the first symptoms of her revival were observed in Italy. Foreign Commerce once more flourished, and Constantinople became the mart *to which even the Italians resorted. But the Sultans* of Egypt having now renewed the commerce with India in its ancient channel, the Italians also resorted to *Alexandria* to purchase the much valued productions of India, and distributing their commodities over Europe, communicated to its various nations, a taste *for the valuables of the East.*

About the middle of the thirteenth century Marco *Polo, a Venetian Merchant advanced further East* than any previous traveller; he passed through the chief trading cities of Asia as far as Pekin, and is the first who mentions Bengal and Guzerat by their present names, and as great and opulent kingdoms. On his return, he astonished his cotemporaries with his vast accounts of the fertility, opulence, and populousness of these regions; but no enterprise ensued, until John the 2nd of Portugal, an enlightened monarch, so long as two centuries afterwards, despatched Pedro di Covillem, and Alphonzo di Payava into the East to procure every intelligence with respect to the trade of India, and the course of navigation to that continent. Covillem set sail from *Aden* in Arabia, for the East Indies, visited *Calicut, Goa*. and other cities on the *Malabar Coast*, and returned to *Sofola*, on the East side of Africa, and thence to Grand Cairo, from whence he transmitted a journal to Portugal of his travels by Sea and land; and from his own observations, as well as from the information of skilful seamen, he concluded that by sailing round Africa, a passage might be found to the East Indies. After several unsuccessful attempts to accomplish this great object, eleven years subsequently to Covillem's report, *Vasco de Gama*, doubling the *Cape of Good Hope*, sailed across the Indian Ocean and landed at *Calicut* on the coast of Malabar, May 1498, ten months and two days after his departure from Lisbon. It is here worthy of remark that in the nineteenth century, the passage which had taken an enlightened Government years to discover and accomplish nearly four centuries back, is now almost discarded by the greatest commercial nation of the day, and the ancient route of the Egyptians, Persians, and Greeks, with but very slight variation, considered in every way the fittest for modern progression and the present purposes of policy and despatch. The Portuguese entered upon the new career opened to them by this discovery with ardour, and made great commercial and military exertions. Twenty four years after the voyage of Gama, they had rendered themselves masters of *Malacca*; to this port the Merchants of China, Japan, of the Moluccas, and of the islands in the Archipelogo resort- from the East, and those of Malabar, Ceylon, Coromandel and Bengal from the West, while at the same time, by their settlements at Goa, and Diu, on the Malabar Coast, they were enabled to engross the trade. Their ships frequented every port in the East, their valuable commodities were to be found from the Cape of Good Hope, to the river of Canton, and along this immense stretch of coast they had established a chain of forts and factories, they trafficked without rivals and without controul, and thus did they acquire a commercial Empire in the East, to which whether we consider the extent, its opulence, the "slender powers "with which it was formed, or the splendour, with "which its Government was conducted, there had "hitherto been nothing comparable in the History of "Nations." Though the Merchants of Great Britain made early efforts to compete with the Portuguese in the East Indian trade, they were totally unsuccessful, until about a century afterwards, when they obtained from Elizabeth, the celebrated grant which erected petitioning merchants into a corporate body under the title of "Governors and Company of Mer- "chants of London, trading to the East Indies." The Commerce of India becomes now in a great measure incorporate with its political History, and both are henceforth closely connected with the stupendous rise of these same, originally humble body of merchants.

To the Editor of the Bombay Gazette.

Sir,—Not a sigh or a groan seems to have escaped from the Bombay Press, over the departed ice; does this indicate that, sundry favorites of the Managing Committee have still a choice reserve for their private comfort and consolation, and that Mr. Editor has not yet missed it? or that the event has come as a thing of course, and no useless regret indulged?

As one of the 43, who guaranteed, to the tune of 500 Rupees each, I should be glad to hear the history of the investment; the quantity of ice received from the Brenda, and the quantity of coin realized.

But as respects the future, I would hope that instead of 43, we may have upwards, of 200 names, to guarantee the next supply; we have enjoyed, for three mouths, the hottest of the year, a wholesome and refreshing luxury, tho' at a high price certainly; but it becomes a subject for consideration, whether it might not be more prudently managed, and the expense more equally divided, among those of the community who can afford a subscription of 100 Rupees for any good public object.

By prudent arrangement in procuring ice, and judicious warehousing, and issue, a subcription list of 200 names might enable us to have three cargoes per annum, which might last four months each, and thus keep us constantly supplied with the most agreeable and satisfactory adjunct to our eclarets and deserts that has been enjoyed during my experienced

SUN BURNT.

To the Editor of the Bombay Gazette.

Sir,—An exposè of the calumnious proceedings of *an Ordnance Warrant Officer*, I consider necessary, in order to prevent any impression going abroad that may have an unfavorable tendency towards the Medical Warrant Officers, and in justice to them, I crave the insertion of this in your next, and when it is considered that they were not the agitators of this discussion, I feel confident that you will the more readily comply with this request.

Passing over the Latin proverb which he has quoted on the occasion, I must say that the metaphorical trope which graces the opening of an "Ordnance Warrant Officers's" second attempt at epistolary argumentation does justice to his head and heart. He shows plainly that he does not wish you to view him under false colors of delicacy and good-breeding; these being qualities to which he can have no pretensions whatsoever.

Let us in the first place examine what this would be Scion of erudition is pleased to style *folly, infatuation* and *intemperate zeal*. An insult, gross in the extreme and entirely uncalled for, is offered to a class of talented and respectable men. An aggrieved and excited few challenge this piece of infamy, in terms far milder than the author justly deserved, and this Sir, has called forth the expressions just alluded to with the additional personal allusions of "ill judging champions"—"unseemly exhibition"—and "a Triton of the Minows."

The writer pretends to an acquaintance with the "very respectable" portion of this branch of the service, and they, he would have us believe, "blush for such displays." How far there can be truth in this assertion of his, any person in the least acquainted with the feeling current throughout the Department, may judge; and every member, I should think, including even the "very respectable men of the class" would have resented the insult offered to their body, generally; if they did not consider the writer unworthy of notice.—

His appeal to "high quarters" is most servile when contrasted with his assumed high-bearing and it *goes to prove what a time serving being he is*. He speaks of the "departure" on the part of "*Bolus*," *from propriety* and *decency*, expressions which in truth *I did not think took any place in his Vocabulary*. I would here recommend him to read, mark, learn, and *inwardly digest the text of the mote*, and *the beam* before he attempts such animadversions in future.

We come now to the most important part of the letter under notice. After the admission that the *Medical Warrant Officers* are allowed to hold independent charge, comes a query?——Listen reader, I pray you; and attentively—"Would one of them have the effrontery to pretend in the presence of a (mark the expression) *Scientific* Surgeon, to treat or understand a case of complicated disease?"—I have hitherto thought that every Surgeon was, by virtue of his professional attainments and rank, a scientific man, and that the qualifying expressions generally adopted were *able, skilful*, &c. The prefix here used may however be intended to enhance the qualifications of the chosen, object and to convey some idea of a *scientific, person*. I confess it sounds awkward but pass we on, without resting on words. He declared in plain terms in his last that there was not a single individual of the branch who could act in "a critical case" on his own judgment, and now he drags an humble and unassuming apothecary, places him in junxta-position with a "Scientific Surgeon" and there traduces him.

He asserts that "these men would seem to advance claims to the possession of equal, if not superior science and skill!" and this inference he draws from one of the Faculty having alleged that some among them were entrusted, alike with their superiors, with independent charge. Is this allegation false? and if it is not, can any one endowed with common sense arrive at such a conclusion as an Ordnance Warrant Officer?—I imagine not but in the motley group of nature's sons which swarm this terrestrial ob there will be fool-hardy-fools among the best of them be they black, white, or indifferent.

From "a critical case" he comes to contemplate cases which "baffle the most consummate skill and experience"—"which require the higher operations of Surgery"—and moreover such as are "beyond their ability to treat"—and even "above their comprehension."—A catalogue of new diseases I fancy—something yet unknown—but more probably the giddy phantom of his febrile imagination.

The bitter envenomed exacerbated feeling which inspired the writer may be traced in every sentence and read in every line of his concluding paragraph. What matters it how or where a man may have acquired his education, the possession of it is all. Is it a matter of any consequence whether a Member of Parliament was born a Butcher's or a Statesmans son. The question is not, what you were but what you are.—His argument is as weak as his principles are base.

Pray Sir, reject not this for the sake of justice and of

CANDOUR.

Poona, August 8th, 1840.

THE LATE COURT MARTIAL ON LIEUTENANT HOLLIS.

36th Regiment Madras Native Infantry.

To the Editor of the Bombay Gazette.

Sir,—I received a letter a few days ago from Madras, from which I could perceive that the *causes* which led to my late Court Martial had been generally misunderstood, and the *merits of my case* greatly unappreciated.

The enclosed note* which I have received from a friend, is, I conceive, calculated to throw much light on the subject. Will you therefore oblige me by inserting it in your *Gazette*, together with the General Order relating to my Trial; in order that the one may be compared with the other?

"Ne quid falsi dicere audeam, ne quid veri non audeam." Tac.

I am Sir,
Your most obedient and obliged servant.
WILLIAM HOLLIS.

Bombay, August 8th 1840.

P. S.—Do me the favor to send a number of your Paper to the "Officers of the 1st Regiment Bombay European Infantry" Aden; and to the "Officers of the 36th Regiment Madras Native Infantry," Cannanore.

W. H.

Extract from General Orders.

Head Quarters, Poona, 5th July 1840.

By the Commander in Chief.

At a General Court Martial assembled at Bombay on Monday the 15th day of June 1840, and of which Lieutenant Colonel J. Marshall of the 25th Regiment N. I. is President—Lieutenant William Hollis of the 36th Regiment Madras Native Infantry, was tried on the following charges viz.t.

Lieutenant William Hollis 36th Regiment Madras N. I., attached by order of the Hon'ble the Court of Directors, to do duty with a Detachment of Troops belonging to the Bombay Army on board the Ship "Inglis," brought to trial by Order of His Excellency the Commander in Chief on the following charges viz.t.

First.—For highly disgraceful and insubordinate conduct unbecoming the character of an Officer and a Gentleman, in having on board the aforesaid Ship on the 3rd April 1840, entered the Cuddy whilst under arrest, and then and there addressed most opprobrious and insulting language to Captain R. Mignan 1st *Regiment Bombay European Infantry, his Senior* Officer in Command of the Detachment, and in having repeated the same.

Second.—For having at the same time and place broken his arrest by entering the Cuddy as above specified, which place had been expressly excepted from the limits to which he was to confine himself.

Adjutant General's Office,
Mahableshwar, 2nd June 1840.

By order of His Excellency the Commander in Chief,
(Signed) STRATFORD POWELL, Lieut. Col.
Adjutant General of the Army.

Upon which charge the Court came to the following decision :—

Finding.—The Court having maturely weighed and considered all that has been adduced in support of the prosecution as well as what has been brought forward on the Defence are of opinion, that the Prisoner Lieutenant William Hollis 36th Regiment Madras Native Infantry,

Guilty on the 1st Charge.
Guilty on the 2nd Charge.

Sentence.—The Court having found the Prisoner Guilty of both charges preferred against, him do adjudge him the said Lieutenant William Hollis to be dismissed the service.

(Signed) A. Woodburn, Capt.
Officiating Judge Advocate.

(Signed) T. Marshall, Lieut, Col.
25th Regiment N. I. and President.

Approved and Confirmed,
(Signed) THOS. McMAHON,
Lieut. General and Commander in Chief,

Recommendation of the Court.

The Court having thus performed a painful duty beg leave most respectfully to recommend the Prisoner's case to the merciful consideration of His Excellency the Commander in Chief on the grounds of his having, at the moment he broke his arrest and addressed the insulting and opprobrious language to his Commanding Officer, been laboring under temporary *aberration of mind as appears by the Evidence* given by Dr. Butchart, and also from the circumstance of his having been placed under arrest on grounds unconnected with his Military Duty.

(Signed) T. Marshall, Lieut. Col.
25th Regiment N. I. and President.

Remarks by the Commander in Chief.

The circumstances set forth in both charges are fully established, and from the Court having passed a general verdict of Guilty on each, it is to be inferred that it did not consider aberration of mind referred to in the recommendation, to be of a nature and extent to exonerate the Prisoner from responsibility for the act which he had committed, and this view of the case is agreeable to the Evidence recorded as the circumstances deposed to by Surgeon Butchart only tend to prove excitement, and irritation, which fall very far short of what both the Law, and the established order of Society require to Warrant such an exemption.

This point is I observe distinctly, and correctly laid down in the 72nd Article Section XX of the Military Code of the Bombay Army, founded on the Criminal Law of England. The offence set forth in the second charge comes directly under the provision of the 35th article of the 14th Section of the Articles of War for the Honorable Company's European Troops, and the Prisoner having been declared Guilty of the same ought to have been adjudged to be cashiered instead of Dismissed the service.—For although these respective punishments are always considered of synonymous import, the Court ought to have adopted the term specifically used in the enactment.

Lieutenant Hollis has in his address on the Defence expressed himself fully sensible of the great impropriety of his conduct, and from the letters addressed to him by Captain Mignan of the 1st European Regiment which are attached to the proceedings and from the other correspondence which has been previously under notice, it is but too evident that he was most injudiciously and irritatingly treated by Captain Mignan, which although not forming tangible matter for judicial investigation is never-

* Copy of Note.

My dear Sir.—I have just received your note regarding my evidence at your Court Martial, and beg to say, that what I intended to convey was; that from a series of insults and annoyances for weeks together! you had been driven for the time (while in the Cuddy) to a state of madness.

Yours very truly,
(Signed) J. BUTCHART.
Fort George, August 6th 1840.

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theless highly objectionable and censurable, more especially as a style of correspondence was continued after Lieutenant Hollis was in arrest, which was neither called for nor suitable from a Commanding Officer.

It is to be wondered at, and greatly to be deplored, that an Officer of Lieutenant Hollis's experience and long standing in the service should have set so bad an example to the Troops on board the "Inglis" and his conduct having been so violent, so detrimental to the harmony and comfort of all who were on board, and the dreadful epithets of Coward, Villain &c. &c. as applied to his Commanding Officer, have left me no alternative but the painful and distressing duty of confirming the finding and of letting the sentence awarded take its course.

(Signed) THOS. McMAHON,
Lieutenant General and Commander in Chief.

Lieutenant William Hollis of the 36th Regiment Madras Native Infantry will cease to draw pay from the 6th instant, and a communication will be made to the authorities at Fort St. George, that his name may be struck off the strength of the Madras Army from the same date.

By order of His Excellency the Commander in Chief.
(Signed) STRATFORD POWELL, Lieut. Col,
Adjutant General of the Army.

"Nothing extenuate, nor set down aught in Malice."

THE GAZETTE.

Wednesday, August 12, 1840.

ARRIVED August 10, H. C. Steamer *Cleopatra*, Lieut. F. P. Webb, Commanding from Muscat 5th Instant.—bringing—2 Horses and 2 Mares present from H. H. the Imaum of Muscat to Her Majesty the Queen.—Do. Ship *Northumberland*, R. D. Guthrie, Master, from London 12th April.—Do. 11, Ship *Good Success*, H. Fraser, Master, from China 21st May and Anjeer 5th July.—Do. Barque *Clarendon*, J. B. Grant, Master, from Leith, 9th April. Lists of Passengers will be found under the usual head.

THE Arab Horses and Mares which have arrived as a present to our youthful Queen from the Imaum of Muscat are now in the Stables of Aga Mahomed Rahim Esq. Agent for the Imaum near Baboola Tank in Mazagong. It is believed they will be sent to England overland by the next Steamer. A Giraffe of a peculiarly fine caste is to be seen at Byramjee's Stables in the Bhendee Bazaar Road, a visit will no doubt recompence the admirers of Nature in her varied forms as well as those who are curious in Zoological pursuits. This animal was first known in Europe about the time of Nero, and we believe ancient Bassi relievi depict animals of this class drawing a Triumphal Car. The Giraffe of George the Fourth was a source of attraction to the London Public, and we trust as no species of the animal now graces our metropolis, that the present superb specimen will be forwarded to the centre of all attraction even our own well beloved London in spite of its smoke and November fogs.

THIS is perhaps the very dullest time of the year. The approach of the termination of the Monsoon, when all the folks try and get away off to Poona, causes a general languor. Every body (that can possibly go) is away, and Bombay seems to have poured out its European population, and the town bears a close resemblance to the *Apothecarys sanctum in* Mantua. The Overland has not arrived. No news from China the Calcutta Papers possess no Interest, Madras is in statu quo,—and in the dearth of information we are compelled to content ourselves with whatever may happen in our little Island or up Country Correspondent may favor us with.

BY the *Good Success* which left China on the 21st May and Anjeer the 5th of July, we have received our files of the *Canton Register* up to the 12th of May. There are no accounts of course of the Expedition, nor does it appear that she fell in with it on the voyage, but one Vessel (we believe) the *Greyhond* passed Anjeer while she lay there. We have made a few Extracts, but they possess no peculiar interest.

THE following items of news from China have been received, as our paper was going to Press, and may be relied on.—"The *Black Joke* and two other Vessels were driven off the coast by thirty War Junks.—The "Jardine in a conflict with the Mandarins received a shot between wind and water, and was compelled to haul off, to repair damages.—Lin has offered a very large reward for every Opium smuggler's head, and in retaliation the smuggler's on the East Coast have deprived every mandarin they could lay hands on, of his tail.—Lots of long tails ornament the main stay of some of the clippers, but Lin has not yet got any heads to display.—Her Majesty's Ship the *Druid* has taken possession of the two small Islands called Motoe or Brothers, situated in the Capsing moon,—they have been converted into Farm yards for Bullocks &c.—John Bull won't even forget his Beef in China.—The Chinese appear perfectly unconcerned and indifferent to the impending storm.—They had a sham fight, a few days back in which the ship "*Cambridge*" was boarded and taken possession of in gallant style.—Where was the resistance?—Lin enjoyed the scene of action much, and entertains the opinion that all the Barbarian ships are to be captured on equal

ly easy terms.—The *Mary Gordon's* last cargo of Opium sold at Dollars 480 to 490 per Chest The *Ardaseer's* at 450.———Nearly all the Cotton, that has been landed at Macao has found its way to Canton and was selling there for 13½ to 14 taels.

A correspondent who has written us from Canton mentions an auction having taken place under the *able*? superintendence of the High Commissioner Lin.—who finding that he is likely speedily to vacate the exalted situation he has so long held, with *bullying* success, is determined to part with his Wardrobe and superfluous appendages to shew that Fukkee will run away, although he'd never fight or die so long as there's a chance of shirking out of a Hobble.—Mr. Hung-Qoi, (the Hong Merchant held the hammer.—Lot the 1st, Lin's three tales. (tails?)!!! an awful pause!!—Bid for by Sir Geo. Elliott, & knocked down to him, with a quid of pig tail, for two round shot and a barrel of English Gunpowder.—Lot 2nd, —Lin's Opium Box.—This is made of Syce Silver and smelt very strongly of the drug,—It was parted with because the owner had no further occasion for it, at least he said so, which is all the same thing.—Lot 3, A large Chest marked "*Doces*"—which was knocked down to the Purser of the Fleet.—Lot 4.—Lin's proclamations for which there was an animated bidding, as waste paper was at a premium to make wadding and cartridges, among the Portuguese in Macao.—Lot 5, copies of the Superindent's Opium Bonds, which bearing a discount in the Market, were knocked down for nothiug, and a cup of Tea given for the trouble, of taking them away.—Lot 6, Lin's inexpressibles were put up, and as nobody could be persuaded to try them on,—they were bought in.—Lot 7 Lins Peacocks feather it was very much draggled in the mud, and consequently shewed how little he plumed himself on his late measures, bought in like the last article. —A speltre box, marked "*Chinese Courage*," supposed to have been scratched by Lin's own Thumb nail—On opening it, it was discovered to be the devilish drug itself, at which a general commotion ensued, long tail, short tail, bob tail, and small tail, not to mention three tails, stood on end with dismay, the auctioner took a plunge into a chest of Gunpowder Tea, in order to show his Anti-Anglican propeusities. A Lot of Mandarins and officers having arrived from Pekin, and it being found that the auction had been held without an Imperial chop, there was a general row, Lin was floored, and Howqua smothered with his own mixtures. Our reporter was obliged to bolt at this moment owing to the clouds of queer mixtures which the Fuckees had intended for the English market, and now used as the nearest missiles for a popular Emeute.

The good people of Macao maugre the din of war which is approaching, their shores, seem to hold a mirror to Cheerful Nature by their Theatricals and Races. We have no wish to reproach our own public, but when a poor settlement like Macao which exists only by the permission of the Chinese can boast of polite amusement and elegant Dramatic recreations, what ought we not to look for among our own free and enlightened Citizens where polite literature and elegant manners are known to flourish as much or more than in any of the Colonial possessions which grace the diadem of our youthful Queen.

SOME news from Peru appears to have found its way across the Pacific to Canton. A Commercial Enterprize to be denominated the Asiatic Company has been instituted by the President and authorities of that fine Country. We have copied the Regulations and are glad to see an almost Infant State turning its attention to the true and legitimate source of aggrandizement its Commerce and Public wealth. Its objects in the 3rd Para, of the Decree are "to favor the national interests causing a direct traffic between Asia the Phillipine Islands and Peru." Although exclusive Monopolizing Companies are generally adverse to the well being of extended Commerce, yet we apprehend that in the uncertain and fluctuating state of Government which has existed for some time in Peru, that any approach to a regular Commercial undertaking ought to be treated as an instalment of enterprize and civilization. Spanish America has resources which might be brought into play in traffic in Asia with benefit to those states and with extended advantage to the Asiatic World. We are only surprized that the trade from Western America to Asia has been so long (*almost monopolized* by Brother Jonathan. Perhaps the time is not far distant when he will find a formidable rival in the Peruvian Company and as a Philanthrophic mind must rejoice in witnessing the successful efforts of every deserving community, We trust to see the Peruvian Flag floating in the breezes of the Eastern Seas, and attracting its fair share of trade to the foot of the Andes and the Land of the Sun.

CHINA.

SHIPPING INTELLIGENCE.

Canton Register, April 21.

ARRIVED—ARDASEER, Macintyre, from Bombay, Singapore and Manila. L'ASIE, (French) Desse, from Manila. POPPY,———, from Singapore.

PASSENGERS.—Per Ardaseer, P. F. Robertson, H. Smith. Esqrs.

SAILED—ATIET RAHMAN,———, for Singapore and Bombay. MOULMEIN, Guy, WATER WITCH,———, for do. and Calcutta.

April 28.

ARRIVED.—MANILA ——, AKBAR (Am.) ——, VALPARAISO. (Am.) Lockwood, SALVADORA, Ribeiro, Dos AMIGOS (Sp.) Pardo, from Manila 27th. THOMAS KING, Rounce, from Port Jackson, 16th Feby. NIANTIC (Am.)——, from Batavia and N. York. 25th. GENOVEVA (Port.) Silva, from Timor; captain Baptista died at Timor.

SAILED.—JOHN N GOSSTER, (Am.)——, for New York, COMETA (Sp) ——, BLACK JOKE, Walker, for Manila.

The Water-Witch was erroneously reported in our last as having sailed for Singapore and Calcutta, but her day of despatch is not yet fixed.

Anjeer Shipping Report.

Jany. 29th, Marquez of Hastings, H. J. Naylor, from Singapore 11th Jany. for London. Brighton, (Am.) H. Darr, from Manila, for Boston. 31st. Friends, Arnold, from Singapore 16th Jany. for London Feby. 12th Sultan, J. Pool, from Manila 27th January. 17th. Conrad, J. Campbell, from Singapore 9th February, for London. 21st. Arnold Wells; Lovell. from Manila 29th Jany. for Boston.

Private advices of the 3rd. March, mention that produce was not procurable at Batavia at any price, with the exception of Rice, which continued too high for shipment to Europe, for which market remittances were much wanted, and Bills on London, at 6 months sight, had been sold at f. 13½ a 13¾ per £. The Dutchess of Northumberland, Moffatt, Westmorland and Diana had arrived from N. S. Wales in search of freight. The two former had left for Bombay, the Westmorland had been chartered to load at Bali for Europe, and the Diana was to load at Batavia. The market for British imports was very dull. (Sing. F. P. 19th March.)

Canton Register, May 5.

ARRIVED.—SAN JOAQUIN, (Sp.) ——, IBERIA, (Sp.) ——, from Manila.

SAILED.—3d ADEN, Ponsonby, for London. TYRER, Shadwell, for the Clyde. TERNATE. Walker, for Manila. ARGYLE, (Am.) for the west coast of America. To day, GENERAL KYD, Jones, for London.

PASSENGERS.—Per Ternate. Wm. Wallace and Wm. Macdonald, Esqs. Per General Kyd. Mrs. Turner, two Masters Turner, and female servant.

Canton Register, May 12.

ARRIVED.—SNIPE. Ade and ANTARES Byworth, from Singapore and Calcutta. ANN MACKIN, (Am) Marten and PATRIOTA, (Sp.) Grande, from Singapore. RASSELAS, (Am.)——, MARGARITA, (Port.) Aquina, NEUVA VICTORIA, (Sp) Salado and TARTAR, (Du.) Rouga, from Manila.

SAILED.—FORTESCUEI Hall, and ASIA, FREEMAN, for London. To day, WATER WOTCH, Reynell, for Calcutta.

UNDER DESPATCH.—Good Success and Mary Gordon, for Bombay.

SHIPS LOADING FOR ENGLAND.—Glenelg, Mangalore, Guisachan, Francis Ann, Arabian, and Manila.

VESSELS EXPECTED.—From London, Washington. From Liverpool, Mary Elizabeth. From Calcutta, Isabella Robertson. From Bombay, Charlotte. From Manila, Ternate. From Trincomale.——. From Singapore,

Canton Register, May 5.

TO HIS EXCELLENCY THE VICE-ROY OF CANTON.

The American vice consul, Delano, in behalf of the merchants of his country, whose names are hereto attached, respectfully presents their petition, as follows.

Whereas, it is the custom of western nations, always when one power blockades the ports of another, to prohibit the ships of every nation from trading to the blockaded part, but of this previous notice must be given.

Now intelligence has been received from England and America, speaking of England contemplating, on or about the 1st of June, to blockade the port of Canton.

The said merchants belong to a neutral nation, and desire to preserve their neutrality.

Now the time is short to bring our nation's ships into port; these ships pursue an honorable trade, we therefore earnestly solicit that they may come direct to Whampoa and open their hatches; heretofore many ships have been detained from ten to thirty days before they could discharge their cargoes; if the ships which are to come shall, as heretofore be detained, the time will not suffice to discharge and take in their cargoes, and they cannot speedily complete their business; besides the English men of war once arrived, they will prevent our ships from entering or leaving the port, and they cannot return to their country, and our losses will be immense.

We therefore earnestly pray that our ships may come directly into port, and be permitted to commence their business, and the favour bestowed will not be trifling.

Our petition is submitted to your excellency's consideration.

Canton, April 25th, 1840.

(*Signed.*)	(*Signed.*)
AUGUSTINE HEARD & Co.	OLYPHANT & Co.
GIDEON NYE, JR.	RUSSELL & Co.
A. A. RITCHIE.	S. W. LUIS.
JAMES RYAN.	HENRY FESSENDEN.
HENRY W. HUBBELL.	JOHN SHILLABER.
	ISAAC M. BULL.

Proclamation to the American Vice-Consul, W. Delano, esq., and others.

YU, the acting prefect of Canton, proclaims to the American vice consul Delano and others for their full information, that in this 20th year of Taoukwang, in this third month and on this 26th day (April 27th 1840). I have received from Lin the governor of the two Kwang provinces, an ediet bearing date, Taoukwang 20th, 3d, and 25th, (April 26th) stating that the hong merchants have sent up the American vice consul's elucidating petition in behalf of the merchants of his country, which was respectfully laid before his excellency the governor, declaring that (here follow the petition quoted entire, as above).

Now I, the governor in reply to the aforesaid, state, that I have as in duty bound examined and ascertained that the Imperial will has been received, merely to cut off the English trade; one nation. That all those nations who obediently uphold the laws of the land are allowed free trade. But because that recently I have perceived the underhanded business that has been pursued, it has been difficult to secure that other foreign nation's ships would not carry on trade on behalf of the English, therfore it has been necessary to search for evidence, that no irregularity has existed, before I could grant permission to order the opening of the holds of the ships.

The said foreigners fearing on account of this delay, have ptitioned earnestly that I would grant the favour, early to permit the ships as usual to enter the port: this much is reasonable. But in the petition it is falsely stated that on or about the first June, the English contemplate putting on a blockade, and then they will not permit the ships of any nation to come to China to trade &c. Truly, this is analogous to an audacious falsehood, and is an egregious mistake. Try and reflect that these ports are the celestial dynasty's ports and harbours. How can England blockade you? Ye Americans! America is not a nation tributary to England! How then can you listen to the said barbarians prohibiting your ships from coming as you say. Why are you so disturbed, as if ye wish willingly to acquiesce in the English pointing out the first of June or thereabouts when you must not presume to enter and trade? The celestial dynasty's officers are truly desirous to allay your anxiety, truly these are idle reports which can only be clamoured forth by the disaffected. Even up to the present time, the newly arrived ships which pursue a regular trade have been permitted to open their holds and those which were irregular have not been allowed to enter the port. It is not so? With regard to those concerning which I was in doubt, as was right, I have detained them till a clear investigation could be made; indeed how could I forbear enquiring which were true and which were false? or allow the irregular to enter port?

I, the governor, together, with the hoppo in attending to the business of every nation do not fail to lay hold of justice, and to seize upon equity.

Truly, we are not seeking to throw obstacles in your way; from the time that the British trade was stopped the profits which the Americans have received have been several times doubled beyond those of former years. Whence then are these losses? Finally, if you do not know good from evil (that is, are ungrateful) and for the English exaggerate their announcement, it is to be apprehended that you yourselves will afterwards regret.

The original petition I return to you.

Writing these circumstances, I therefore immediately transmit it to the American vice-consul, and to the said nation's merchants, that they one and all obey accordingly, and let the prefect also return the original petition. Let there be no opposition; accompanying is the foreign petition.

Having received the edict, I immediately transmit it to the said American vice-consul, Delano, and the American merchants, that they all obey accordingly.—Taoukwang, 20th year, 3d month, 26th day. (April 27th, 1840.)

Canton Register, May 12.

REGULATIONS OF THE PORT OF MACAO.

The following regulations of the Port of Macao are published by the directions of the government.

2ND RECORD OF THE PORT-POLICE REGULATIONS OF MACAO.

Ship Regulations.

ARTICLE 1st.—Every vessel anchoring in Macao, the Typa, or in the Roads at the distance of a cannon shot is subjected to be visited by the master attendant, or his officer.

ART. 2nd.—The commander of such vessel on being visited by the said officer is to produce the vessel's passport or ships register, a list of her crew and passengers, and every other credential regarding the vessel.

ART. 3rd.—No person except the commander, his officers, or others in case of emergency only, should quit the vessel before the visit goes on board; for the convention of this article the commander will be held responsible, and subjected to a penalty of 5 or 20 dollars.

ART. 4th.—The commander, or such person as lands on his behalf, before the Master attendant of his officer's visit, is resquested to call at the attendant's office, with the vessels documents.

ART. 5th—No crew of any vessel is allowed to come on shore at Macao without a note from the commander, or commandiag officer, stating name of the individual and vessel he belongs to, any one found without such note, or with a false one, will be sent to jail, where he will remain until removed from this port, and will be fined 5 to 10 Dollars, and jailor's fees.

ART. 6th.—No ship's crew to land with offensive weapons.

ART. 7th.—It is not allowed for the crew of a vessel or any part thereof to stay on shore after 8 P. M. the officer excepted; any one acting contrary to this as well as to the 6th art. shall be fined 5 to 10 Dollars, besides three days imprisonment, and other penalties as the offenders may deserve for their bad conduct.

For ships anchored in the inner harbour.

ART. 1st.—No ballast is to be thrown into the river, a fine of 100 Dollars shall be levied on whoever acts contrary to this article.

ART. 2nd.—It is likewise requested not to fire any guns without permission from the governor, the usual sailing gun and those on the occasion of measuring the vessel excepted.

ART. 3rd.—The sailing gun is never to be fired after sunset or before sunrise, as hitherto practised; a fine of 10 Dollars is to be exacted from those who act to the contrary.

ART. 4th.—The Captain or officer in command of a vessel anchoring within the Bar Fort, is to report himself within the first 24 hours after his arrival, agreeably to art. 1405 of the Commercial Code. No vessel is allowed to pass the Bar Fort outward without a proper certificate from the said magistrate.

ART. 5th.—No vessel can leave the harbour before she shall have been visited by the master attendant, or his officer.

ART. 6th.—No vessel can leave the harbour with persons on board that have no pasport, or are not on the muster-roll.

ART. 7th.—Any commanders, national or foreigners, entering the Bar Fort, accused of having brought passengers, or passengers that have no

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personal passport, shall be fined 25 to 50 Dollars exclusive of other penalties of the law.

Macao th April, 1800.

Article 5th, 2d Section, 5th Paragraph.

All schooners and other craft of inferior tonnage, of whatever denomination, whether national or strangers, are prohibited from landing any sailors without due licence from the government Masters of the aforesaid craft who shall be found to have acted in contravention of this regulation. shall be obliged to maintain in the public prison such sailors as they have introduced, during the time of their being there, and to take them away again, and the masters themselves shall be liable to be imprisoned during the term of eight days and to be fined from ten to twenty dollars.

MACAO THEATRICALS.

On Monday evening the 4th inst. the Luso Brittannic Theatre was opened by Portuguese and English amateurs. The first piece was a Portuguese Melodrama, called. Os Salteadores, or The Highwaymen. We did not enter the house until the first scenes of this piece were over ; but those which we were, fortunately, in time to see were performed by all *con amore* ; and the *groundlings*—which all the spectators *are*—for the house, although extremely well got up under all the circumstances of its erection—which were haste, then disappointment,' followed by the retirement of the English from Macao—contains neither boxes nor galleries—it is all *pit*—which must be awful to the performers—the groundlings appeared to be well-pleased. However, albeit amateurs and tyros, they were by no means daunted by the bright Lusitanian eyes darting their fire, or by the green spectacles of the quidnuncs peering their searching glances ; but went through their parts with complete self possession : and this no mean praise, for it is not an easy thing to possess a calm self-command when acting a part, although you have only friends for spectators : this remark applies equally to the amateur actors of the three performances of the evening : the remaining two were the petite comedy of the Midnight Hour, and the Portuguese farce of Manoel Mendes.

The dresses in the Midnight Hour were chosen with very good taste, some of them were splendid ; the parts of the Marquis, General, Sebastian, Nicholas, Julian and Cecily, were extremely well performed. We could distinguish some shades of difference of merit—but as all did well, so all shall have our praise.

The farce of Manoel Mendes kept the Portuguese juveniles in extasy throughout its performance. Mendes and Rebolo were the stars of the night. *Viva Manoel Mendes.*

We regret that our public duty obliges us to submit a few remarks to the subscribers as to the future conduct to be observed at the Luso-Britannic theatre. The summoning the *amateur* actors from the green-room to the stage, by striking the ground with sticks, and making other noise, gave serious offence ; although it only occurred during the peformance of the Midnight Hour, and the crowding to the windows open to the inner harbour, through which only could the air circulate. has also been strongly complained of. We are confident that on the next representation there will not be any causes of complaint on these grounds. We would also recommend to those who control the management, a more careful scrutiny of subscriber's tickets, for many persons were admitted into the theatre without tickets ; and also that no subscriber should enter the green-room without a ticket of admission from the stage manager.

Canton Register, April 14.

THE SANDWICH ISLANDS,—THE AMERICAN MISSIONARIES.

THE MISSIONARIES TO THE UNITED STATES CONSUL.

Honolulu. Oct. 25, 1839.

SIR,—We have addressed to G. C. Read Esq., commanding the U. S. squadron now laying in this port two communications under date of the 16th, and 24th inst., copies of which we hand you enclosed for your information, requesting that a court of inquiry may be appointed from Officers of the squadron to investigate our conduct and as certain whether we have in any way violated our neutrality towards the French nation as American citizens, and may properly be treated as the enemies of the French ; and we have to request that you would use your influence to forward our suit in your official capicity, as we feel that, as American citizens, we have right to demand at the hands of our country that justice which her humblest sons may claim.

When we reflect that a frigate was sent to investigate and redress the wrongs inflicted on American citizens by the Malays in the island of Sumatra we feel that the recent proscription entitles us to the privilege of asking the detention of the squadron, while a full and impartial investigation may take place ; that our government may be furnished with all the facts and requiste information in relation to the proceedings. We feel solemnly bound to urge our request for an investigation, not only on our own account, but for the general benefit of our countrymen, of whatever calling they may be ; for, if the principle be established by precedent or otherwise, that our proscription by the French commander was *just*, then all security for our lives and the lives of our families, our property and the commercial interests of our country, is at an end.

We remain, very respectfully, Your Obed'. Servts.

H. Bingham, S. N. Castle,
Gerrit P. Judd, H. Dimond,
Levi Chamberlain, H. O. Knapp,
A. S. Cooke, Lowell Smith,

To P. A. Brinsmade, Esq.,
United States Consul ;
Honolulu, Sandwich Island.

The United States Consul to the King.

United States Consulate,
Sandwich Island, Oct, 26, 1839.

SIR,—As the opinion seems to be to some extent entertained that American citizens residing in the Sandwich Islands as missionaries under the patronage of an Incorporated Institution of the United States, have exerted a controling influence upon the framers of the laws of this country, I have very respectfully to inquire if they have ever had any voice in the passage of laws affecting the interests of other foreigners, and particularly whether they have ever had any thing to do in the measures adopted by your government for the prevention of the introduction of the Catholic religion into the country. And whether in the treatment which as been shown to any subject of the government of France, they have directly or indirectly recommended the course pursued by your government, and also whether in the attempts made under your authority to suppress the public exercise of the Roman Catholic religion on the part of your own subjects they have countenanced those attempts. If they have in any of these respects controled the action of your government, will you be pleased to inform me very explicitly in what manner and to what extent. An early reply will be a favour.

With the highest considerations, I have the honour to be, Your majesty's most obt. servt.,

P. A. BRINSMADE,
United States Consul.

To His Majesty, Kamehameha I I I.,
King of the Sandwich Islands.

THE KING TO THE UNITED STATES CONSUL.

TRANSLATION.

Kawwila House, present residence of the
King of Hawaii, Oct, 28, 1839.

My respects to you, the American Consul.

I have received your letter asking questions respecting the American missionaries, supposed by some to regulate the acts of my government under me ; I. together with the chiefs under me, now clearly declare to you, that we do not see any thing in which your questions are applicable to the American missionaries. From the time the missionaries first arrived, they have asked liberty to dwell in these Islands. Communicating instruction in letters, and delivering the word of God has been their business.

They were hesitatingly permitted to remain by the chiefs of that time, because they were said to be about to take away the country. We exercised forbearance, however, and protected all the missionaries, and as they frequently arrived in this country, we permitted them to remain in this kingdom because they asked it, and when we saw the excellence of their labors, then some of the chiefs and people turned to them in order to be instructed in letters, for those things were in our opinion really true.

When the priests of the Romish religion landed at these islands, they did not first make known to us their desire to dwell on the islands, and also their business. There was not a clear understanding with this Company of priests as there was with that ; because they landed in the country secretly without Kaahumanu's hearing any thing about their remaining here.

When the number of the followers of the Romish religion became considerable, certain captains of whaleships told Kahumanu of the evil of this way, and thus capt. D....informed me of a great destruction in Britain in ancient time, and that his ancestors died in that slaughter, and he thought a like work would soon be done here. That was the company who informed us of the evil of the Romish religion. and also a certain French man of war and a certain Brtish man of war approved of what we did.

Inasmuch as I do not know of the American missionaries having had any thing to do in my business with my chiefs, I have therefore inquired of them, the chiefs, and they say, no, in the same manner as I now say, no, to you.

Some of them however have told me of having known certain things done by certain missionaries, viz., what Mr. Bingham said to Kaahumanu, "I have seen some people made to serve at hard labor on account of their having worshipped according to the Romish religion. Whose thought is that?" Kaahumanu said to him, "Mine." Then he that spake to her objected quickly, saying, "It is not proper for you to do thus, for you have no law that will apply." When he said that, then Kaahumanu immediately replied to him with great strength. "The law respecting idolatry ; for their worship is like that which we have forsaken." Mr. Clark also, and Mr. Chamberlain spoke to Kinau while Kaahumanu was yet alive, and objected to said conduct, and afterwards Dr. Judd. And at a certain time Mr. Bingham and Mr. Bishop disputed strongly with Kinan on account of the wrong of punishing those of the Romish religion.

And now in Kekauluohi's time Mr. Richards disputed strongly with Kaahunanaa, urging the entire abolition of that thing, and that kindness should be bestowed on them, that they might be pleased, giving them also an instructor to teach them the right way ; and thus also he said to Kekauluohi and to me.

And afterwards when Mr. Bingham heard by Mr. Hooper that certain women were confined in irons at the fort he went immediately and made known to Kekuanaoa the wickedness of their confinement for that thing, and when Kekuanaoa heard it, he immediately sent a man, and afterwards went himself to the fort to set the prisoners free, for their confinement was not by order of the chiefs.

Should it be said by accusers that the American missionaries are the authors, of one law of the kingdom, the law respecting the sale of rum, or if not, that they have urged it strongly, I would say, a number of captains of whole ships commenced that thing, thousands of my own people supported them, and when my chiefs saw that it was a good thing, they requested me to do according to the petition of that company, and when I saw that it was really an excellent thing, then I chose that as a rule of my kingdom.

But that thing which you speak to me of, that they act with us, or overrule our acts, we deny it, it is not so.

We think that perhaps these are their real crimes :

Their teaching us knowledge. Their living with us, and sometime translating between us and foreigners. Their not taking the sword into their hand and saying to us with power, stop, punish not the worshippers in the Romish religion.

But, to stand at variance with, and to confine that company, they have never spoken like that since the time of Kaahumanu I. down to the time that the Romish priest was confined on board the Europa.

I think, perhaps, these things are not clear to you ; it would perhaps be proper, therefore, that the American missionaries should be examined before you and commodore Read, and us also.

Thus I have written you with respect,

(Signed) KAMEHAMEHA III.

To the Secretary of the Chamber of Commerce. &c. &c. &c.

H. M. LEGATION,
Lima, 21st January, 1840.

Sir.—I have the honor to transmit herewith, a copy of the 70th number of the official Gazette of Peru in which is registered, a law issued on the 21st of Nov. by the congress assembled at Huancayo, directing the formation of a company under the denomination of the "Asiatic Company" to be composed exclusively of citizens of Peru.

In the 3d Article of this law it is declared that, the object of this company will be to favour the national interests by securing to Peruvian citizens exclusively the benefit of the direct trade of Peru with Asia and the Philippine Islands.

And by 5th clause, all importations of the raw and manufactured articles of the places specified in the 3rd clause of this law, that are not made in vessels belonging to the company. are prohibited : a porhibition which is directed to come into operation eight months after the publication of the law ; the which took place on the 14th ult.

Time and with it experience will probably prove to the Peruvian nation the impolicy and inexpedience of this so called protection there to accorded by its chief Peruvian rulers.

I. in the meantime, am using my best endeavours to prevent the law coming into practical operation so far as it effects importations, on British account of the raw and manufactured articles of Asia and the Phillipine Islands till after the expiration of at least ten months from the date of its publication.

The present is the first opportunity since the publication of this law that has offered of transmitting it, in copy to you ; for although two vessels have since that time sailed from Callao to China, their consignees and masters would not allow of their conveying any but their own correspondence.

I shall feel oblized by your acquainting me with the day on which you may receive this despatch.

I have the honor to be, Sir.
Your most obedient, humble servant,
(Signed) BELFORD HINTON WILSON.
Charge d' Affaires.

True copy EDWARD ELMSLIE,
Secretary and Tresurer, to the Superintendents.
To Her Majesty's Superintendent, &c. &c. &c.
China.

The General Congress of Peru has decreed the following :

1.—That it is the duty of a nation to promote by the most efficacious means the Public Wealth.

2.—That as one of those means the national commerce merits particular attention.

3.—That in its actual decayed state, the native Merchants cannot undertake such lucrative speculations as are required to from large capitals without being protected and assisted in their enterprizes.

4.—That the privileges now conceded with this object are in conformity with the principles which serve as a base to our political system, the adoption of which by great nations, has been the foundation of their present opulence. It is therefore decreed.

1.—A company shall be formed under the title of the Asiatic company with a capital of drs. 500,000—to be divided in shares of drs. 500 each, which shall be open to the public.

2.—No individual can have more than ten shares during the first year ; but, that term being expired, and the whole of the shares of the company not having been taken up, any of the shareholders will be allowed to purchase the number of shares they desire.

3.—The object of this company will he to favor the national interests, causing a direct traffic between Asia, the Phillipine Islands, and Peru.

4.—The citizens of Peru only can be share holders of this company.

5.—For the term of fifteen years all importations of Raw or Manufactured merchandize is prohibited from the places expressed in article No. 3. unless said importations are made in vessels belonging to the company. This prohibition to take effect in eight months from the publication of the present law.

6.—When a sufficient capital is obtained for the commencement of this enterprize. the first expedition shall be gone into, the company having previously produced to the executive government the necessary documents in proof of competent capital.

7.—Foreign vessels can only be made use of by the company in cases of necessary, and with permission from the government.

8.—The properties of the company will be exempted from the public service.

9.—Foreigners cannot. on any account, become share holders.

10.—The company will form its laws, and these having previously been passed by the counsel of the state, will be approved of by the government.

Let notice of this be given to the executive that this law may be fulfilled, published, and circulated.

Given in the Sessions Hall of the Congress at Huancayo, the 21st November. 1839.

LUCAS PELLICER, President.

SERVASIO ALVAREZ, } Deputy
AUGUSTIN GALIANO, } Secretaries.

To the Sec, for home affairs. In fulfilment of the above, let it be published and circulated.

AUGUSTIN GAMARA.

CALCUTTA.

Englishman, July 27.

If it be confessedly preferable that even in the most serious cases of crime that can come under the criminal laws of the country, it is better that a guilty man should escape than that he should be punished contrary to law, or by a straining, or a perversion, of the law ; it may surely be argued that in the morally lighter cases which come under the military law, it were better to abstain from punishment than to punish in a case where the law has been doubtfully applied by the judging tribunal. The case now coming under comment is that of Lieutenant Hollis of the Madras army, and it will be found, at the full length at which general orders give it, in the *Military Chronicle*. There are two respects in which it is to be viewed :—one the legality of his *mode* of trial, and the other the sufficiency of the judgment as a warranty for the execution :—and those points are both of such considerable interest of our careful consideration. Though belonging to the Madras army, it appears that Lieutenant Hollis was appointed by the Court of Directors to do ship-board duty, on the voyage out, with a detachment of Bombay Troops, under the command of a Bombay officer ; and that having been placed by that officer in arrest, during the voyage, he was tried for the offence by a Court-martial commenced under the orders of the Bombay Commander-in-chief. This point of alleged illegality appears to have been taken up by a writer in one of the Bombay papers, under the signature of CRITES (the real name being, we suspect, that of a late high military law official there) whose argument seems to us to be irresistible, as far its being rested on the thirtieth section of the mutiny act goes ; for that section decidedly limits the Commander-in-chief's authority to the cases of officers *belonging to his presidency*. Its words are,—'provided always and be it enacted, that when and so long as any of His Majesty's forces shall be employed to act within or under the authority of any of the said Company's presidencies in the East Indies, the power of appointing courts martial, or authorising the appointment of court-martial, for the trial of any officer or soldier of the said Company, *of or belonging to such presidency*, shall be in the officer for the time being Commanding-in-chief such of His Majesty's forces as shall be employed within or under the authority of such presidency.' It is quite clear that under this clause Sir Thomas McMahon had no 'power' to appoint a court martial for the trial of Lieutenant Hollis, who under no possible legal construction of the war article of which we have italicised, can be held amenable to the jurisdiction of so constituted a tribunal. But in both the Company's and the Queen's military law codes there are instances of one article or provision being modified, or virtually rendered inoperative, by other articles or provisions, and *all* of these should be looked to in considering a case which prima facie appears to be governed exclusively but by *one* of them,—a precaution which CRITES seems to us to have neglected. By the *fifteenth* section of the Compayy's mutiny act, it is laid down that 'His Majesty may from time to time grant a commission or warrant under his royal Sign Manuel, unto the Court of Directors of the said Company, who by virtue of such commission or warrant *shall have power* to authorise and empower their Governor General and Governors [we are not adhering to the exact legal form of expression, which would needlessly occupy our space] from time to time to appoint courts-martial, and to authorise and empower the General or other officer commanding *any body* of the forces to appoint general court-martial, *for the trial of offences* committed by *any* of their forces UNDER THEIR SEVERAL COMMANDS.' This clause, it will be seen, is expressed in far more comprehensive terms than the other, and completely includes persons under such General's commands, without reference to their belonging or not belonging to his particular presidency. Now it seems to us that there can be no doubt, in military law, that Lieutenant Hollis was unquestionably under the command of the Bombay Commander-in-chief from the hour the vessel anchored in the Bombay port, and *while* the Lieutenant was still attached to the detachment of troops on board ; and that he was therefore triable for any offence against discipline, by His Excellency's orders. All that remains, then, to be ascertained on this head is *whether* Sir Thomas McMahon holds a commission or warrant of the above description from the Governor in Council of Bombay? It is possible that he may not, though it would be proof of blameful neglect in either the Honorable Court or the said Government, in not using the means at their disposal for providing for all such contingencies of service ; but *if* he has that warrant, then, under its authority, the said court martial was lawfully convened. If there be *no* such warrant, the prisoner is illegally deprived of his commission. Assuming, however, that, so far, all is valid ; we still consider there is enough, appertaining to the sentence, to render its execution a matter of very doubtful legal propriety. He is tried for 'disgraceful conduct, unbecoming the character of an officer and a gentleman,' and also for having 'broken his arrest.' If the first of these cannot be strictly said to come under a specific article of war, yet at all events it is the *gist* of the offence therein expressed, and we submit that the sentence on it should be in in the penal terms of the said article, which terms are that the person convicted shall be '*discharged* from the service,'—the word 'dismissed' being no where, in the articles of war, applied to that specific line of conduct, and the vague formula of 'dismissed the service,' not being employed in the code at all. There should have been, for legal accuracy, specification of the 'service' from which he was to be dismissed ; for as he was also in the Queen's service, *in India*, it is only by being specifically discharged from the *Company's* service that his Queen's commission is annulled. He is also found guilty of having broken his arrest,—an offence which, as His Excellency observes, comes clearly and directly under the 25th article of the 14th section, and we have *no doubt* that the exact penalty there laid down should have been pronounced by the court. If an officer were convicted of making a 'false muster,' under the 2d section of the 4th article, he must be adjudged to be '*cashiered*,' because that is the expressed penalty, and if the court substituted '*discharged*,' the sentence could not legally be carried into effect. So that is here. The prisoner was arraigned under two charges, one of which had a *specific* penalty attached to it, and the other a specific one *constructively* ; he was convicted on both charges, yet neither the expressed nor the implied penalty was adjudged ; yet it is obvious that the court should have chosen the one upon which there could have been no doubt. Had he been tried for *only* the breach of arrest, and had the penalty for *that* not been specifically adjudged, no penalty, otherwise expressed, though practically the same, could have been carried into execution. This is an acknowledged principle, and was particularly upheld in a well known case by the Marquis of Hastings—a very eminent authority. We are not prepared to say that the mixing up of two charges, as in this case, may not have the effect of rendering the execution of the 'dismissal' *allowable* on the ground that it applies to *one* of those charges at all events ; but we would submit to the consideration of the Madras Government whether in a case which in so many respects is of *doubtful* legality, it ought not to interpose for the protection of one of its officers (his having been guilty of an offence does not affect the argument) by such means as are in its power, but which means we confess ourselves unable to exactly define—so new and indeed anomalous is the case. It might reasonably, we think, require to be satisfied that the Bombay Commander-in-chief had a sufficient warrant, under the 15th clause of the mutiny act, for assembling the court at all ; and if he had, perhaps the best way *then* would be for it, to refer the case, in its other phases, to the Court of Directors ;—but if there be no warrant of the above referred to nature, then it certainly might refuse, pending a higher decision, to co-operate in carrying the sentence into effect.

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